



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Zicker, S.C. *et al.*
Serial No.: 09/978,132
Filed: October 16, 2001
Title: ANTIOXIDANT CONTAINING COMPOSITION AND METHOD
Group Art Unit: 1614
Examiner: P.G. Spivack
Confirmation No.: 3795
Docket No.: 2664H-000100/US
Client Ref.: IR 6562-02

#22/c
JRP
1/28/05

September 13, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP 21 2004
TECH CENTER 1600/2600

Sir:

REQUEST FOR CONTINUED EXAMINATION, AMENDMENT AND RESPONSE TO
OFFICE ACTION DATED MARCH 11, 2004

This paper comprises a Request for Continued Examination (RCE) accompanied by a Supplemental Information Disclosure Statement and an Amendment in the above referenced Application. This paper is responsive to the Office Action dated March 11, 2004, in which a shortened statutory period of three months was set.

The payment remitted by the attached check is believed to be sufficient to cover fees required in connection with this paper; however if any deficiency should be found, please charge the amount of such deficiency to Deposit Account No. 08-0750.

PETITION FOR EXTENSION OF TIME

This paper is filed on the first business day following September 11, 2004, which is 6 months after the mailing date (March 11, 2004) of the Office Action to which it is responsive. Applicant hereby makes petition under 37 C.F.R. §1.136(a) for extension of time of three (3) months for response to the present Office Action dated March 11, 2004. The fee required under

37 C.F.R. §1.17(a)(3) is submitted herewith.

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. §1.114

Please withdraw finality of rejection and continue examination of the above-referenced Application, as amended hereinbelow, under the provisions of 37 C.F.R. §1.114. The fee required under 37 C.F.R. §1.17(e) in connection with this RCE is submitted herewith.

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement (IDS) supplements those submitted on April 11, 2002, September 11, 2002 and April 25, 2003, and is filed in accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97–1.98, as supplemented by MPEP §609. Presentation of any document listed on attached Form PTO-1449 is not an admission that such document is prior art under the Patent Statutes and the right is reserved to antedate any material described in a listed document by a showing under 37 C.F.R. §1.131 or otherwise.

The Milgram *et al.* (2000) reference, listed on attached Form PTO-1449, is an internet website that was previously presented in the IDS dated April 11, 2002 but was not identified at that time by a web address. To correct this deficiency, which was inadvertent and without deceptive intent, Applicant now resubmits the document and provides its full web address.

The other references listed were cited in the present Office Action, although not applied as part of a rejection (see Office Action, page 3, lines 1–2). They are presented herein to ensure they are fully of record. Two of the references were cited only as abstracts in *Chemical Abstracts*; Applicant provides herein the full papers, namely Caprioli *et al.* (1990) and Stoll *et al.* (1993), to which these abstracts relate.

This IDS is submitted under the provisions of 37 C.F.R. §1.97(a)(4), before the mailing of a first Office Action after the filing of a request for continued examination, and no fee is believed payable in connection therewith.

AMENDMENT UNDER 37 C.F.R. §1.111

Amendment of the present application is requested as proposed herein. By the present amendment, the total number of claims pending in the application is reduced from 16 to 11 and the number of independent claims is reduced from 6 to 3. No excess claim fee is believed payable.

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Amendments IN THE CLAIMS are reflected in the listing of claims which begins on page 4 of this paper.

REMARKS on the present amendment begin on page 6 of this paper.